

REMARKS/COMMENTS

Claims 1-98 and new Claims 99-106 are active in the case. Reconsideration is respectfully requested.

The present invention relates to a polypeptide that is comprised of the ligand binding domain of DHODH.

Claim Amendments

New Claims 99 to 106 are presented, basis for which is found in Claims 67-74 that are under active examination. Entry of the new claims into the record is respectfully requested.

Claim Rejection, 35 USC 112, First Paragraph

As to the matter of the lack of description of how compounds within the scope of the invention are prepared, it must be noted, as stated in Claims 59-66, any compound that can be identified by the active steps of method of identifying Claims 59-66 is within the scope of the compounds of Claims 67-74. Examples of such compounds are presented on pages 4-7 of the specification. Accordingly, the requirements of the first paragraph are believed to have been met. Withdrawal of the rejection is respectfully requested.

Claim Rejection, 35 USC 112, Second Paragraph

As to the matter of the method of identification of a compound that functions as an inhibitor of DHODH, applicants submit that the presentation of new Claims 99-106 resolves the issue as to the identification of compounds within the scope of the present claims. Basis for the new claims is found entirely in the active claims of the case. Withdrawal of the rejection is respectfully requested.

Double Patenting Rejection

Claims 67-74 stand rejected based on statutory double patenting under 35 USC 101. However, it is clear from the cancellation of Claims 67-74 in favor of the new claims that, in fact, the presently claimed invention embodiments are not identical to the claims allowed in the patent of which 2004/0176458 is the publication. Accordingly, a statutory double patenting situation does not exist. The patent does not claim a compound that is obtained by a method of identifying a compound which is an inhibitor of DHODH. In the event, however, the differences between the subject matter of the present claims and the claims of the patent are such that a terminal disclaimer would be effective in obviating the rejection. Withdrawal of the rejection is respectfully requested.

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It is believed that the application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in cursive script, reading "FD Vastine", positioned above a horizontal line.

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